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**UNITED STATES DISTRICT COURT
DISTRICT OF WYOMING**

ADRIAN L. WHITE,)	
)	
Plaintiff,)	
)	
vs.)	14-CV-00027-F
)	
WYOMING STATE PENITENTIARY,)	
WYOMING DEPARTMENT OF)	
CORRECTIONS,)	
)	
Defendants.)	

ANSWER AND AFFIRMATIVE DEFENSES

COMES NOW, the Wyoming State Penitentiary, Wyoming Department of Corrections, and hereby file their Answer and Affirmative Defenses to the Plaintiff's Complaint as follows:

PARTIES

1. Defendants admit that Plaintiff is an African American male who was employed by the Wyoming State Penitentiary, with his last known address as stated. The remaining allegations contained in paragraph 1 of Plaintiff's Complaint call for a legal conclusion and do not require an answer. To the extent an answer is required, Defendants deny the allegations.

2. Defendants admit the allegations contained in paragraph 2 of Plaintiff's Complaint.

3. The allegations contained in paragraph 3 of Plaintiff's Complaint call for a legal conclusion and do not require an answer. To the extent an answer is required, Defendants deny the allegations.

JURISDICTION AND VENUE

4. The allegations contained in paragraph 4 of Plaintiff's Complaint call for a legal conclusion and do not require an answer. To the extent an answer is required, Defendants deny the allegations.

5. The allegations contained in paragraph 5 of Plaintiff's Complaint call for a legal conclusion and do not require an answer. To the extent an answer is required, Defendants deny the allegations.

6. Defendants admit that venue proper in the United States District Court for the District of Wyoming. The remaining allegations are denied.

ADMINISTRATIVE PRERQUISITES

7. The allegations contained in paragraph 7 A–C of the Plaintiff’s Complaint call for a legal conclusion and do not require an answer. To the extent an answer is required, Defendants deny the allegations contained therein.

FACTUAL ALLEGATIONS

8. Defendants admit the allegations in paragraph 8 of Plaintiff’s Complaint.

9. Defendants admit the allegations in paragraph 9 of Plaintiff’s Complaint.

10. Defendants deny the allegations in paragraph 10 of Plaintiff’s Complaint.

11. Defendants deny the allegations in paragraph 11 of Plaintiff’s Complaint.

12. As to the allegations contained in paragraph 12 of Plaintiff’s Complaint, Defendants admit Plaintiff has a college education, graduated from the

academy, was promoted from officer to sergeant and received pay increases. The remaining allegations are denied.

13. Defendants deny the allegations in paragraph 13 of Plaintiff's Complaint.

14. Defendants deny the allegations in paragraph 14 of Plaintiff's Complaint.

15. Defendants deny the allegations in paragraph 15 of Plaintiff's Complaint.

16. Defendants deny the allegations in paragraph 16 of Plaintiff's Complaint.

17. Defendants deny the allegations in paragraph 17 of Plaintiff's Complaint.

18. Defendants deny the allegations in paragraph 18 of Plaintiff's Complaint.

19. Defendants deny the allegations in paragraph 19 of Plaintiff's Complaint.

20. Defendants deny the allegations in paragraph 20 of Plaintiff's Complaint.

21. Defendants admit the allegations contained in paragraph 21 of Plaintiff's Complaint.

22. Defendants deny the allegations in paragraph 22 of Plaintiff's Complaint.

23. Defendants deny the allegations in paragraph 23 of Plaintiff's Complaint.

24. Defendants deny the allegations in paragraph 24 of Plaintiff's Complaint.

25. As to the allegations contained in paragraph 25 of Plaintiff's Complaint, Defendants admit a letter, dated June 29, 2011, from the Union requested Plaintiff not be placed in unit A-1. The remaining allegations are denied.

26. Defendants deny the allegations in paragraph 26 of Plaintiff's Complaint.

27. Defendants deny the allegations in paragraph 27 of Plaintiff's Complaint.

28. Defendants deny the allegations in paragraph 28 of Plaintiff's Complaint.

29. As to the allegations contained in paragraph 29 of Plaintiff's Complaint, Defendants admit that Plaintiff was promoted to sergeant in 2012. As to the remaining allegations Defendants are without sufficient information upon which to form a belief as to the truth of the matters and therefore deny the same.

30. Defendants are without sufficient information upon which to form a belief as to the truth of the matters contained in paragraph 30 of the Plaintiff's Complaint and therefore deny the same.

31. Defendants deny the allegations in paragraph 31 of Plaintiff's Complaint.

32. As to the allegations contained in paragraph 32 of Plaintiff's Complaint, Defendants admit that Plaintiff was scheduled for night shift. As to the remaining allegations Defendants are without sufficient information upon which to form a belief as to the truth of the matters and therefore deny the same.

33. Defendants deny the allegations in paragraph 33 of Plaintiff's Complaint.

34. Defendants deny the allegations in paragraph 34 of Plaintiff's Complaint.

35. Defendants deny the allegations in paragraph 35 of Plaintiff's Complaint.

36. Defendants are without sufficient information upon which to form a belief as to the truth of the matters contained in paragraph 36 of the Plaintiff's Complaint and therefore deny the same.

37. Defendants are without sufficient information upon which to form a belief as to the truth of the matters contained in paragraph 37 of the Plaintiff's Complaint and therefore deny the same.

38. Defendants are without sufficient information upon which to form a belief as to the truth of the matters contained in paragraph 38 of the Plaintiff's Complaint and therefore deny the same.

39. Defendants deny the allegations in paragraph 39 of Plaintiff's Complaint.

40. Defendants deny the allegations in paragraph 40 of Plaintiff's Complaint.

41. Defendants are without sufficient information upon which to form a belief as to the truth of the matters contained in paragraph 41 of the Plaintiff's Complaint and therefore deny the same.

42. Defendants deny the allegations in paragraph 42 of Plaintiff's Complaint.

43. Defendants deny the allegations in paragraph 43 of Plaintiff's Complaint.

44. Defendants admit the allegations in paragraph 44 of Plaintiff's Complaint.

45. As to the allegations contained in paragraph 45 of Plaintiff's Complaint, Defendants admit that Plaintiff submitted his resignation effective immediately on August 26, 2013. As to the remaining allegations Defendants are without sufficient information upon which to form a belief as to the truth of the matters and therefore deny the same.

FIRST CAUSE OF ACTION

46. Defendants incorporate their answers to paragraphs 1 through 46 as fully set forth herein.

47. The allegations contained in paragraph 47 of Plaintiff's Complaint call for a legal conclusion and do not require an answer. To the extent an answer is required, Defendants deny the allegations.

48. The allegations contained in paragraph 48 of Plaintiff's Complaint call for a legal conclusion and do not require an answer. To the extent an answer is required, Defendants deny the allegations.

49. Defendants deny the allegations in paragraph 49 of Plaintiff's Complaint.

50. Defendants deny the allegations in paragraph 50 of Plaintiff's Complaint.

51. Defendants deny the allegations in paragraph 51 of Plaintiff's Complaint.

52. Defendants deny the allegations in paragraph 52 of Plaintiff's Complaint.

53. Defendants deny the allegations in paragraph 53 of Plaintiff's Complaint.

54. Defendants deny the allegations in paragraph 54 of Plaintiff's Complaint.

55. Defendants deny the allegations in paragraph 55 of Plaintiff's Complaint.

56. Defendants deny the allegations in paragraph 56 of Plaintiff's Complaint.

DAMAGES

57. Defendants deny the allegations in paragraph 57 of Plaintiff's Complaint.

58. All allegations not specifically admitted herein are denied.

PRAYER FOR RELIEF

Defendants deny that Plaintiff is entitled to any relief and deny the claims asserted in A-G and assert that the damages sought are improper and not supported by the facts alleged.

AFFIRMATIVE DEFENSES

1. All actions taken by the Defendants were privileged and authorized by law.

2. Defendants are immune from suit under the Eleventh Amendment to the United States Constitution.

3. Defendants are entitled to qualified immunity and/or "good faith" qualified immunity.

4. Plaintiff has failed to mitigate his damages.

5. Plaintiff's Complaint fails to state a claim upon which relief may be granted.

6. This Court lacks subject matter jurisdiction over one or more of Plaintiff's claims.

7. To the extent Plaintiff asserts claims under State law, the Defendants are immune from suit over one or more of Plaintiff's claims under the Wyoming Governmental Claims Act.

8. To the extent Plaintiff asserts claims under State law, this Court lacks jurisdiction over Plaintiff's State law claims.

9. To the extent Plaintiff asserts claims under State law, Plaintiff has failed to comply with the requirements of the Wyoming Governmental Claims Act.

10. Plaintiff's claims are barred by the applicable statutes of limitation.

11. Plaintiff fails to state a claim upon which relief may be granted, for reasons including, but not limited to, Plaintiff fails to state a violation of Title VII of the 1964 Civil Rights Act.

12. All of the Defendants' acts were within the course and scope of their duties and all actions, inactions, or omissions were privileged and authorized by law.

13. Each and every action taken by Defendants with respect to Plaintiff was undertaken in good faith and was based upon good cause, legitimate business reasons, consistent with the laws of the United States, Wyoming statutes, and business necessity.

14. The injuries and alleged damages complained of by Plaintiff were caused by the Plaintiff or other third parties over which the Defendants had no control.

15. Any alleged acts or omissions on the part of the Defendant were not the proximate cause of Plaintiff's injuries.

16. To the extent Plaintiff claims punitive damages, award of punitive damages against the Defendant violates the Fifth and Fourteenth Amendments to the United States Constitution and Article 1, Sections 6 and 14 of the Wyoming Constitution.

17. Defendants exercised reasonable care to prevent and promptly correct any harassing behavior, and Plaintiff unreasonably failed to take advantage of any preventive or corrective opportunities provided by employer or to avoid harm otherwise.

18. The Defendants reserve the right to assert additional affirmative defenses, as they become known.

WHEREFORE, Defendants respectfully request that the Plaintiff's Complaint and the claims for relief stated therein be dismissed with prejudice, that Defendants be allowed their costs, including reasonable attorney fees, and for such other and further relief as the Court deems appropriate.

DATED this 12th day of March, 2014.

/s/ Theodore R. Racines

Theodore R. Racines

Senior Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed using the CM/ECF system and a copy was sent *via* email on this 12th day of March, 2014, to the following individuals:

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/s/ MaryBeth Jones

MaryBeth Jones
Office of the Wyoming Attorney General